

Message

From: Ruhl, Suzi [Ruhl.Suzi@epa.gov]
Sent: 6/27/2018 6:37:13 PM
To: Shea, Valois [Shea.Valois@epa.gov]
Subject: RE: Dewey-Burdock information

Valois,

It was delightful meeting you—so exciting to be able to talk UIC with someone of your expertise and experience. I am just back to the office today, and will begin looking at the documents you have provided. I will also refine my list of guiding questions and send them to you so you can have them as a point of reference.

I am also identifying the provisions of Promising Practices for EJ Analyses in NEPA Reviews that are related to the Region's EJ Analysis. I will share that document with you as well.

Thanks again for taking the time to provide me with this information.

Suzi

From: Shea, Valois
Sent: Thursday, June 21, 2018 4:49 PM
To: Ruhl, Suzi <Ruhl.Suzi@epa.gov>
Subject: Dewey-Burdock information

Hi Suzi,

I really appreciated the opportunity to meet you and discuss a number of topics related to the proposed Dewey-Burdock UIC permitting and aquifer exemption actions. I look forward to discussing your comments and thoughts in more detail.

I have attached the aquifer exemption draft Record of Decision. All of the draft documents can be found at our Region 8 website:

<https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-draft-area-permits>

As you scroll down the web page, you will see the links to the different documents.

I have included below the comment and NRC response related to EJ analysis of the White Mesa Mill and the EJ paragraphs in the Executive Summary from the NRC SEIS.

Here is the link to the Generic EIS and the Dewey-Burdock SEIS (Supplement 4):

<https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1910>

In Vol 2, Appendix E (comments and responses)

Comments: 127-000032; 136-000007

One commenter stated that additional and serious environmental justice issues are raised by the assumption that these solid 11e.(2) byproduct materials will be sent to San Juan County, Utah. The commenter notes census data show that San Juan County, Utah is composed of 49 percent "American Indian and Native Alaska persons." The commenter also noted that "White persons not Hispanic" only comprise 44.2 percent of San Juan County's population and 29.4 percent of the county population lives below the poverty line. Another commenter noted that the SEIS mentions the possibility of transporting waste for final disposal to the White Mesa mill in Blanding, Utah. The commenter pointed out that this mill is located near a reservation and already places significant burdens and impacts upon a neighboring Native American community in one of the poorest counties in the southwest.

Response: NRC acknowledges that the applicant proposes to pursue an agreement with the White Mesa site in San Juan County, Utah, for disposal of solid byproduct material (see SEIS Section 3.13.2). NRC also acknowledges that San Juan County's population is composed of 49 percent American Indian and Native Alaska persons (USCB, 2010). The White Mesa site in Blanding, Utah is an existing conventional mill site that has a tailings disposal area licensed by the State of Utah to accept 11e.(2) byproduct wastes. The amount of solid byproduct material generated by an ISR facility, such as the proposed Dewey-Burdock ISR Project, is only a small fraction of the tailings generated and disposed of at a conventional mill site. In addition, the proposed Dewey-Burdock ISR project would be only one of many ISR projects disposing of solid byproduct material at the White Mesa site. Therefore, the addition of ISR byproduct material from the proposed Dewey-Burdock ISR Project to the White Mesa disposal site is not considered significant. For this reason, NRC does not anticipate significant environmental justice impacts to Native American populations will result from the potential disposal of solid byproduct material from the proposed project at the White Mesa site. No change was made to the SEIS beyond the information provided in this response.

EIS Executive Summary paragraphs on EJ:

Environmental Justice

All Phases: The percentage of minority populations living in affected block groups in the vicinity of the proposed Dewey-Burdock ISR Project site in Custer and Fall River Counties in South Dakota and Weston County in Wyoming does not significantly exceed the percentage of minority populations recorded at the state and county level and is well below the national level. Furthermore, the percentage of low-income populations living in affected census tracts in the vicinity of the proposed project site in Custer, Fall River, and Weston Counties does not significantly exceed the percentage of low-income populations recorded at the state or county level. Therefore, there will be no disproportionately high and adverse impacts to minority and low-income populations from the construction, operation, aquifer restoration, and decommissioning of the proposed Dewey-Burdock ISR facility.

The population closest to the proposed Dewey-Burdock ISR Project that could be impacted by environmental justice concerns is the Pine Ridge Indian Reservation located approximately 80 km [50 mi] east in Shannon County, South Dakota. Based on 2010 United States Census Bureau data, this reservation has both minority {greater than 95 percent Native American (Oglala Sioux Tribe)} and low-income populations. Environmental justice impacts to Native American tribes living in the vicinity of the proposed project are not expected to differ from those experienced by other populations. The proposed action has the potential to affect certain sites of religious and cultural significance to Native American tribes; however, the impacts to such sites are expected to be reduced through mitigation strategies developed through the National Historic Preservation Act Section 106 consultation process.

Valois

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